



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: May 5, 2017
To: Interested Person
From: Emily Hays, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 17-141512 HR - BASEMENT WINDOW REPLACEMENT

GENERAL INFORMATION

Applicant: Steven Jacobsen
17680 NW Shadyfir Loop
Beaverton, OR 97006

Owners: Dean C Hockman & Michael P Dooney
4343 NE 41st Avenue
Portland, OR 97211-8245

Site Address: **2112-2114 NE 7th Avenue**

Legal Description: BLOCK 119 N 35' OF LOT 12, WEST IRVINGTON
Tax Account No.: R893602620
State ID No.: 1N1E26CB 16200
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Plan District: Albina Community
Other Designations: Non-contributing resource in the Irvington Historic District

Zoning: R1a – Residential 1,000 with Alternative Design Density Overlay & Historic Resource Protection Overlay
Case Type: HR – Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Resource Review approval to replace a basement window within an area well on the street facing (west) façade of a non-contributing structure in the Irvington Historic District. The proposal is for a casement wood window; approximately 10” of the new window will be visible above grade within an existing opening.

Historic resource review is required because the proposal is for non-exempt exterior alterations on a resource in the Irvington Historic District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- *Section 33.846.060.G Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property sites near the western edge of the Irvington Historic District along NE 7th Avenue, which is classified as a *City Bikeway*, *Minor Emergency Response Street*, *Local Service Traffic Street*, and a *Local Service Transit Street*. The structure was built in 1909 as a single-dwelling foursquare house, now listed as a non-contributing resource in the historic district due in part to alterations over time. It is unclear when the house was converted to a duplex. Eight of the nine adjacent properties are also non-contributing within the district. The current owner has taken steps to restore the original character of the structure, including the removal of failing vinyl siding to expose the original cedar shingle cladding.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown. The district comprises an eclectic assortment of late 19th and early 20th century architectural styles, including Queen Anne, Craftsman, and Period Revival styles.

Zoning: The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Alternative Design Density “a” overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment

of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 13, 2017**. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 13, 2017**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Land Use Committee, on April 19, 2017 wrote that the ICA land use committee has no objections to the proposal. Please see Exhibit F-1 for additional details.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 1,2,3,4,7 & 9: The existing building is designated a non-contributing resource, thus it is not considered historically significant to the district, nor are its features, original or otherwise, considered historic. The replacement casement wood window will match existing windows in material and fit within the existing opening. No exterior trim or sill is proposed. The window sash will be primed wood, painted to match the windows above. Although compatible in material, the new window will be identifiable from the traditional windows above. In order to ensure the secondary nature and differentiation of the window in this location, condition of approval D has been added that the new casement window shall not feature a grille pattern to mimic the visual character of the single hung windows above. The essential form and integrity of the structure will remain intact as the new window is proposed to be installed in an existing opening with no other changes proposed.

These guidelines have been met.

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 8 & 10: The proposed alteration is minor in scale. The window is located in an inconspicuous location and is designed to match the historic windows in material. The new window will be located within an existing area well below a bumped-out window bay at the first floor level. Roughly 10" of the window will be visible above grade. The front setback is 12'-6" and sits above the sidewalk level with a sloped grade of 2:1 from the front façade to the property line abutting the right-of-way. Although not dependent on the maintenance of the current condition, the minimal visibility is further obscured by a fence and landscaping.

These guidelines have been met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

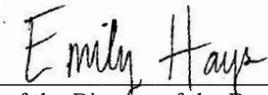
The new window is designed to match existing windows in material, style, and character. It is compatible with the resource, adjacent properties, and the district as a whole. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations in the Irvington Historic district to include the replacement of a basement window within an area well on the street facing (west) façade with a casement wood window with a horizontal mullion per the approved site plans, Exhibits C-1 through C-5, signed and dated May 2, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 17-141512 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. The new casement window shall not feature a decorative grille. (Refer to Exhibit C3).

Staff Planner: Emily Hays

Decision rendered by:  **on May 2, 2017.**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 5, 2017

Procedural Information. The application for this land use review was submitted on March 28, 2017, and was determined to be complete on April 10, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on March 28, 2017.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not

waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 8, 2017.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 8, 2017**. The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder’s office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-7617.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

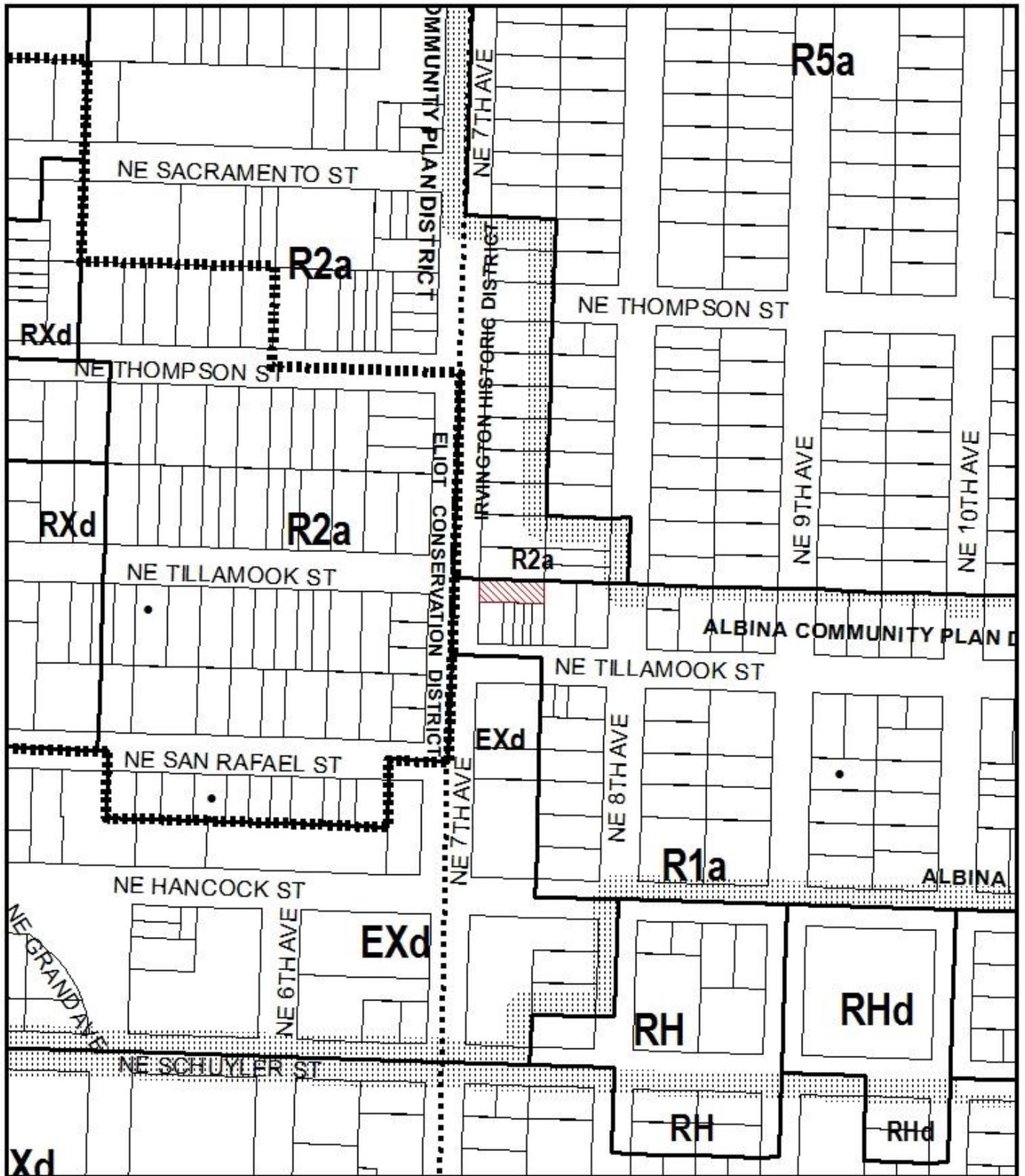
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front (West) Elevation (attached)
 - 3. Window Specifications
 - 4. First Floor Plan (for reference)
 - 5. Basement Floor Plan (for reference)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None.
- F. Correspondence:
 - 1. Dean Gisvold, April 19, 2017, ICA Land Use Committee – The ICA land use committee has no objections.
- G. Other:
 - 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Historic Landmark

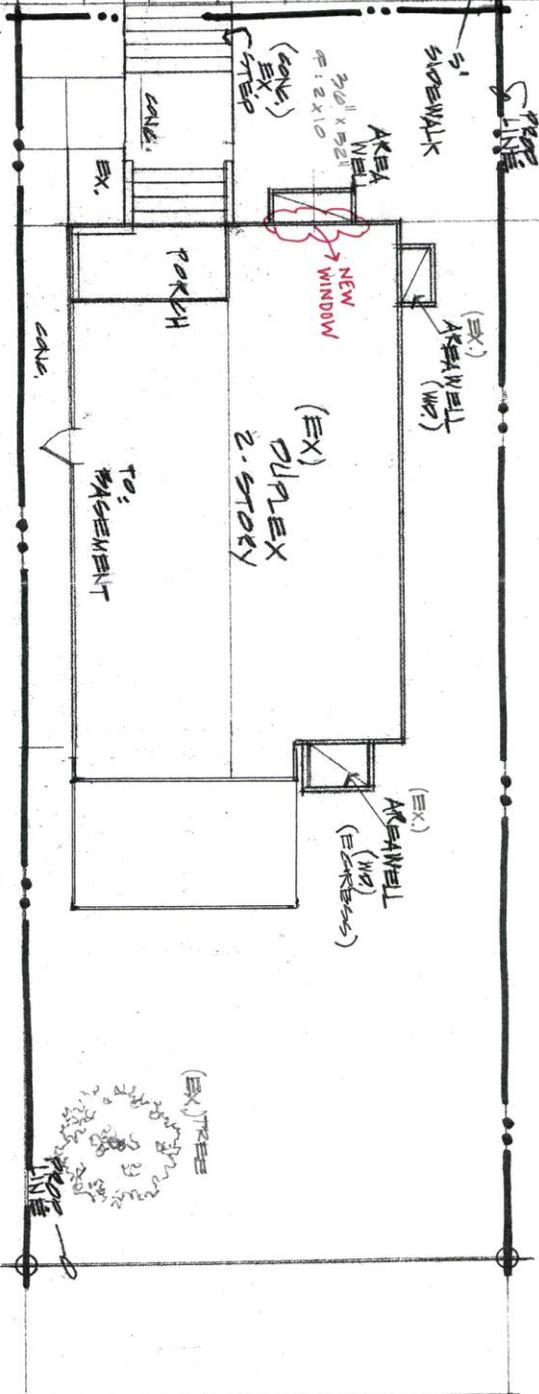
File No. LU 17-141512 HR
 1/4 Section 2831
 Scale 1 inch = 200 feet
 State_Id 1N1E26CB 16200
 Exhibit B (Apr 03, 2017)

 This site lies within the:
 ALBINA COMMUNITY PLAN DISTRICT
 IRVINGTON HISTORIC DISTRICT

NORTH

N.E. 7th Ave.

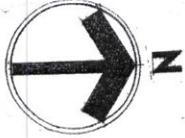
SIDEWALK



SITE PLAN

SCALE: 1/8" = 1'-0"

NO STREET TREES REQUIRED
PER: 3.14.17, REVIEW W/D.F.



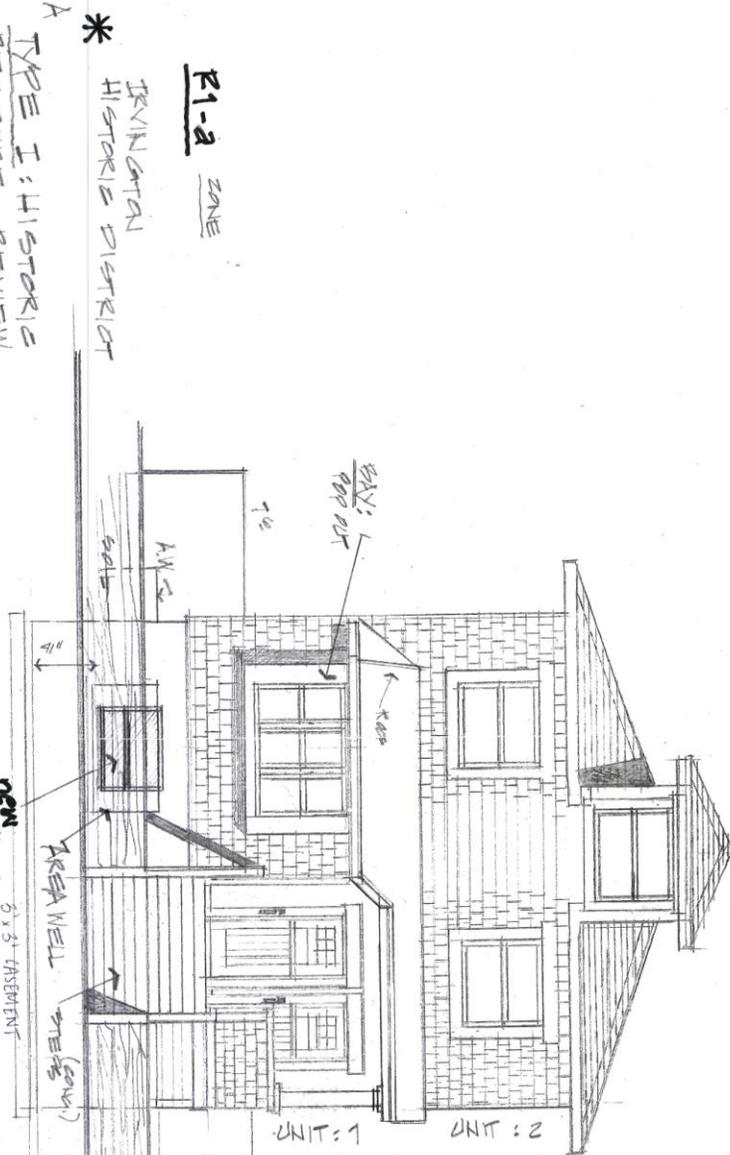
Approved
 City of Portland
 Bureau of Development Services
 Planner Erin Hays
 Date 5/2/2017

* This approval applies only to the conditions requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

LA 17-141512 PR 01

Approved
 City of Portland
 Bureau of Development Services
 Planner Erin Kelly
 Date 5/21/2017

* This approval applies only to the reviews requested and is subject to all Additional zoning requirements may apply.



R1-a ZONE
 TRUNKTON HISTORIC DISTRICT
 TYPE I: HISTORIC RESOURCE REVIEW
 FRONT WEST ELEVATION
 SALE: 3/4" = 1'-0"

REAR WINDOW
 6' x 8' BASEMENT
 IN EXISTING OPENING (MATCH EXISTING OPENING)
 AREA WELL STEPS
 (EX.)
 SLOPE 2:1
 A DUPLEX 2-STORY
 VINTAGE 1909 c.
 U117-141512 HR C2